IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.23746 of 1995

Between:

M/s. Red Sun Granites Private Limited,
1-10-96, Ashoknagar,
Hyderabad.

..... PETITIONER

AND

1 A.P.State Electricity Board, rep. by its Secretary,
Vidyut Soudha, Hyderabad.
2 Asst.Dvl.Engineer, D.P.E-I,
APSEBoard, Sangareddy,
Medak District.
3 Asst.Divisional Engineer,
Operation, APSEBoard,
Gummadidala (V), Jinnaram Mandal, Medak District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly in the nature of Mandamus declaring the action of the Respondents in disconnecting the electrical supply to the petitioner's unit in Plot No.19/A, Kajipalli Village, Jinnaram Mandal, Medak District, is illegal and arbitrary and consequently, set aside the provisional assessment Notice issued by the 3rd respondent in Letter No.ADE/O/GMDL/F.No. D.No.153, dated 17-10-1995.

Counsel for the Petitioner: MR.B.ADINARAYANA RAO

Counsel for the Respondents: Mr. K.Ravindra Kumar (SC FOR A.P.S.E.B.)

The Court made the following:

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Oral order:

The writ petitioner assails the Provisional Assessment Notice dated 17-10-1995, issued by the Assistant Divisional Engineer (Operation), Gummadidala, Jinnaram Mandal, Medak District, to the petitioner provisionally estimating the value of energy misused by him at Rs.2,25,501/-, and informing him that if he is desirous of having continuity of power supply pending enquiry, he should pay Rs.1,12,750-50 ps. together with a sum of Rs.150/- towards supervision charges.

On 20-10-1995, this Court while admitting the writ petition, passed the following interim order:

> … Pending further orders in this writ petition, I deem it appropriate to direct the respondents to restore the electricity connection to the aforesaid premises of the petitioner upon the petitioner depositing a total sum of Rs.56,000/- out of which a sum of Rs.25,000/- shall be paid forthwith and upon the payment of the said amount, the connection shall be restored. The balance sum of Rs.31,000/- shall be paid by the petitioner to the respondents within one month from the date of restoration of electricity.

Though the writ petition was admitted as far back as on 20-10-1995, no counter is filed till today. Pursuant to the interim orders passed by this Court, the petitioner states that he paid the amounts, and the respondents also restored the power supply.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

Inasmuch as the impugned notice is merely a Provisional Assessment Notice, and enquiry for Final Assessment is pending, and having regard to the fact that pursuant to the interim orders, and upon the petitioner paying the amounts as directed therein, power supply was restored to the petitioner, both the learned counsel for the petitioner as well as the learned Standing Counsel for the respondents agreed for disposal of the writ petition with the following directions:

The Superintending Engineer, Assessment, AP Transco, Hyderabad, who is not a party to the writ petition, and he being the officer competent to make final assessment, is directed to make final assessment of the energy alleged to have been misused by the petitioner after issuing notice to the petitioner and calling for his explanation, and after considering the explanation that may be submitted by the petitioner, pass appropriate orders. If any amounts are liable to be paid by the petitioner, the amounts paid by him pursuant to the interim orders passed by this Court shall be given credit to. This exercise shall be completed within a period of three months from the date of receipt of a copy of this order. Till then, the

respondents shall not disconnect the power supply to the premises of the petitioner.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 11th November, 2004.

KSR

To

1 The Secretary, A.P.State Electricity Board, Vidyut Soudha,

Hyderabad.

2 The Asst.Dvl.Engineer, D.P.E-I,
APSEBoard, Sangareddy,
Medak District.

3 The Asst.Divisional Engineer,
Operation, APSEBoard,
Gummadidala (V), Jinnaram Mandal, Medak District.

4 Two CD copies.